

EXHIBIT 1



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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June 21, 2006

Sue MacIntyre, Esq.
Winston & Strawn LLP
1700 K Street, N.W.
Washington, D.C. 20006

Dear Ms. MacIntyre:

The Massachusetts Department of Environmental Protection ("MassDEP") is in receipt of your June 21, 2006 electronic mail request for documents. As an attachment to your electronic mail you provided several pages from GZA Reports. The GZA Reports reference MassDEP Spill Reports dating back prior to 1988. MassDEP has reviewed its files and has complied below a summary of the information we have regarding the documents. MassDEP has attached a "Keeper of the Records Affidavit" identifying these documents as true and authentic copies of our original files.

- **December 1980** – Cambridge, MA – MDC Prison Point Pumping Station
15,000 gallons of No. 2 Oil and 1,000 gallons of No. 6 Oil
The Oil Spill Reports are attached.
- **October 1981** – Charlestown, MA – Miller River
20 gallons No. 6 Oil
The Oil Spill Report is attached.
- **October 1981** – Yard No 5
1100 gallon No. 2 fuel oil spill at the B & M Yard 5, Somerville MA
The Oil Spill Log Sheet is attached.
- **December 1981** – Boston, MA – Boston & Maine RR, Miller River,
10 – 50 gallons of No. 2 Fuel oil (note: you identified the release to be a 100 gallon release)
The Oil Spill Report is attached.
- **June 1982** – Miller's River

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057, TDD Service 1-978-694-3492.

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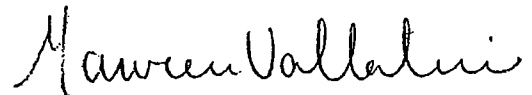
300 to 500 gallon spill of No. 2 Fuel Oil

Based upon our extensive review of MassDEP files we have not located any record of this spill in the Oil Spill Log nor have not found an Oil Spill Report.

- **December 1983** – Somerville, MA – B & M Washington & Joy Street
2000 gallons of diesel fuel
The Oil Spill Report is attached.
- **June 2, 1984** – Boston, MA – B & M Yard
Diesel/gasoline on the Charles River
The Oil Spill Report is attached.
- **June 4, 1984** – Charlestown/Somerville/Cambridge Line – B & M
>100 oil
The Oil Spill Report is attached.
- **November 18, 1988** – Boston/Somerville – Amtrack
60,000 gallons of diesel fuel
Multiple Oil Spill Reports dated November 18, 1988 – December 21, 1988 are attached.

While searching the Oil Spill Logs for the information you specifically requested above, MassDEP noticed a number of other spills, from different dates, which may have impacted the area in and around the Boston Engine Terminal. We have provided these Oil Spill Logs for your review. If you want additional information, please feel free to make an appointment at the MassDEP Northeast Regional Office for file review.

Very truly yours,



Maureen Vallatini
Regional Counsel